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Amendment
Attorney Docket No. S63.2B-10014

REMARKS

This amendment is in response to the Office Action mailed February 26, 2003. The paragraph numbering below corresponds to that of the Office Action. Claims 34 and 35 have been added. Claim 34 corresponds to claim 1 as filed; claim 35 corresponds to claim 5 as filed.

(2)

The specification is objected to because it refers to the claims on page 18 and 19.

The instant application was electronically filed. Because the pagination of Applicant's copy of the application may differ from that of the Examiner because of the printer and browser specific aspects of pagination, Applicant respectfully requests that the Examiner refer to paragraph numbers rather than page numbers in future communications. Applicant presumes that the Office Action is referring to the reference to the claims found in paragraph [0080]. If Applicant is mistaken, Applicant respectfully requests clarification.

Applicant traverses the rejection and sees no basis for the objection. Nevertheless, Applicant has amended paragraph [0080] without prejudice or disclaimer by removing reference to specific claims.

(3)

Claims 1-3,5-9,20,21 are rejected under 35 U.S.C. 102(e) as being anticipated by US 6264687 to Tomonto (Tomonto). Claims 1-3 are directed to a stent having a first balloon expandable segment which defines a plurality of balloon expandable cells therein, a second balloon expandable segment which defines a plurality of balloon expandable cells therein and a first self-expanding segment which defines a plurality of self-expanding cells therein.

The Tomonto stent as shown in Fig. 2 does not have a self-expanding segment which defines a plurality of self-expanding cells therein. Rather, Tomonto shows superelastic 'articulations' which are joined one to the other by portions of the plastically expandable segments. To the extent that there are any cells in the region of the 'articulations', the cells are defined by the combination of plastically deformable sections and superelastic sections of the

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stent. As such, Tomonto lacks a first self-expanding segment which defines a plurality of self-expanding cells therein as recited in the instant claims.

Claims 5-9 recite the presence of cells, some of which are self-expanding where the self-expanding cells are bounded only by self-expanding material. This feature is not disclosed in Tomonto. The 'cells' drawn in the Office Action include portions which are bounded by balloon expandable material. As such, claims 5-9 are patentable over Tomonto.

Claims 20-21 have been amended to recite that the stent includes at least one self-expanding section which extends in a substantially helical direction about a longitudinal axis of the stent. The self-expanding section has a plurality of cells therein, the cells bounded only by self-expanding material.

Tomonto lacks a self-expanding section with a plurality of cells therein, where the cells are bounded only by self-expanding material. The 'cells' drawn in the Office Action include portions which are bounded by balloon expandable material.

New claim 34 which corresponds to claim 1 as filed is patentable over Tomonto in that Tomonto does not disclose the recited first self-expanding segment. Specifically, although Tomonto discloses the presence of superelastic articulations, one cannot surmise from the disclosure whether the articulations are self-expanding or self-contracting. For example, the shape memory might be such that they shrink in the longitudinal direction upon expansion of the stent. As such, the claim is believed to be patentable over Tomonto. If the Examiner disagrees, the Applicant respectfully requests that the Examiner demonstrate where the specification equates the shape memory property with self-expansion of the articulations.

New claim 35 which corresponds to claim 5 as filed is patentable over Tomonto in that Tomonto does not disclose the presence of self-expanding cells. Although the Office Action highlights a 'cell', the 'cell' includes balloon-expandable portions. Moreover, it is not clear from the specification that because the articulations, which form a part of the 'cell' are superelastic, that they are necessary self-expanding, let alone that the 'cell' itself is self-expanding.

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(4-6)

Claims 31 and 32 have been canceled thereby mooting the rejections as to these claims.

CONCLUSION

In light of the above comments, withdrawal of the objection and of the rejections is respectfully requested.

Respectfully submitted,

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